

1887-041 Chancery Causes: John C. Pennington & os. Stephen Parsons &
Lee Co.

Bailey, Combs, Dalton, Robbins, Huffman, Tritt, Morgan

1 Plat

CA-Estate Dispute
T-Property

-Deed

To the Hon. H. S. K. Merison Judge of the Circuit
Court of Lee County Virginia

Humbly complaining your Orators and Oratrices
John B. Pennington, Green B. Pennington A. D. Robbins
and Polly Robbins his wife, James A. Robbins and Rebecca
Robbins his wife, Gzin Robbins and Martha Robbins his
wife, and Anderson Robbins and Lavina Robbins his wife,
would respectfully represent that one Charles Pennington
several years ago, departed this life intestate in the said
county of Lee, leaving your two male and four female
Complainants his children and heirs at law, and he also
left a widow to wit Drannah Pennington surviving him.

Complainants state that by patent bearing date July
the 1st 1820 and herewith filed marked (A.) there was
granted by the Commonwealth of Virginia to one Isaac
Hughes a tract of land lying and being in said county
of Lee, on the north side of the Stone Mountain, in the Crabo-
chard country supposed at the time to contain 100 acres
but which in fact contains 172 acres, as ascertained by
a survey recently made thereof, and this recent survey
and the actual boundaries thereof is shown by a plat thereof
herewith filed as a part of this bill marked (B).

Complainants further state that by deed dated the
28th day of Octr 1828 a copy of which is here filed mark-
(C) the said Isaac Hughes sold and conveyed said tract
of land so granted to him to one Samuel Parsons;

Complainants further state that some time after the last

conveyance was made, the said Samuel Parsons died intestate in said county, leaving a widow who soon thereafter also died. and the following children his heirs at law, to wit Stephen Parsons¹, Joseph Parsons², John Parsons³, Mary Parsons⁴ who intermarried with Jesse Bailey, Elizabeth Parsons⁵ who married Harvey Bailey, Sarah Parsons⁶ who married Peter Dalton, Dannah Parsons⁷ who married the said Charles Pennington dead, and James Parsons⁸.

Complainants further state that after the death of said Samuel Parsons, and before the marriage of the said Dannah Parsons to the said Charles Pennington, the said Stephen Parsons purchased from all his brothers and sisters, his co-Parsons, their undivided interest in the said tract of land conveyed to said Samuel Parsons by said Isaac Hughes and by those purchases all of which have long since been fully paid for, the said Stephen Parsons became the sole owner of said tract of land;

Complainants further state that after the said Dannah Parsons had sold her interest in said tract of land to her brother Stephen Parsons, she married the said Charles Pennington and hence she is the mother, and mother in law of complainants and the widow of said Charles Pennington dead.

Complainants further state that by a writing bearing date March the 15 1853 and herewith filed marked (D) the said Stephen Parsons bargained and sold said tract of land to the said Charles Pennington for the sum of \$700.00 all of which has long since been paid;

Complainants further state that at or before the date of the last mentioned writing the said Charles Pennington took possession of said tract of land claiming it as his, and so continued until his death, and since that time, again complainants and his widow have continued that possession & claiming to be the owners thereof & are still in the uninterrupted possession thereof.

Complainants further state that no title, or deed of conveyance can now be found, by which the said 7 coparceners conveyed their undivided interest in said land to said Stephen Parsons nor can any deed be found by which said Stephen Parsons conveyed the same to said Charles Pennington, so that the legal title to said land is still in the said Stephen Parsons Joseph Parsons², John Parsons³ Mary Bailey⁴, Elizabeth Combs⁵, Sarah Datta, Draniel Pennington and James Parsons & their descendants.

Complainants further state that said Stephen Parsons by affidavit herewith filed marked (E) swears that a deed of conveyance was once made, for said land but that the same is lost or mislaid so that it cannot now be found.

The affidavits of Jas Parsons and Levi Pennington herewith filed marked (F) & (G) identify the said tract of land.

Complainants further state that said Stephen Parsons, Joseph Parson, Jesse Bailey and Mary Bailey are non-residents of the State of Virginia; The said John Parsons many years ago moved from the State of Virginia and died, leaving several children who are unknown, and are non-residents.

The said Harvey & Elizabeth Bonds also many years ago left the state of Virginia and died leaving children & heirs whose number and names are unknown, who are non-residents. The said Peter and Sarah Dutton likewise many years ago left the state of Virginia and died leaving children and heirs at law, whose names and the number thereof are unknown. Who are non-residents.

The said James Parsons likewise died in this county a few years ago leaving the following children his heirs at law to wit Jasper¹ Parsons James S. Parsons² F. M. Parsons³ W. B. Parsons⁴ John M. Parsons⁵, Samuel D. Parsons, Josiah Parsons Mary⁶ Parsons now the wife of A. J. Bailey, Martha Parsons now the wife of Charles A. Huffman, & Rebecca Parsons now the wife of James E. Irrett.

Complainants are advised that under the facts of the case they are entitled to have a conveyance of the legal title to said tract of land made to them as the heirs at law of said Charles Pennington dead subject to the claims of the said Diannah Pennington thereon and to obtain that end is the object of this suit.

The premises considered Complainants pray that the said Stephen Parsons, Joseph Parsons, Jesse Bailey, Mary Bailey, the unknown heirs at law of John Parsons dead, the unknown heirs at law of Harvey & Elizabeth Bonds dead, the unknown heirs at law of Peter & Sarah Dutton dead, Diannah Pennington, Jasper Parsons James S. Parsons F. M. Parsons, W. B. Parsons John M. Parsons, Samuel D. Parsons

Joseph Parsons, A. J. Bailey, Mary A. Bailey, Charles A.
Huffman, Martha Huffman James^E Trutt and Rebecca Trutt
be made defendants to this bill and be required to answer
the same fully and truly on oath. That an order of
publication be entered posted and published against the
said Stephen Parsons, Joseph Parsons, Jesse Bailey, Mary Bailey,
the unknown heirs of John Parsons decd, the unknown heirs of
Harvey and Elizabeth Bonds decd, and the unknown heirs of
Peter and Sarah Dalton decd. And on a hearing of the
cause a decree be entered divesting said defendants of
the legal title and investing the same in a commission
and be directed to convey the same to the complainant
and if in any wise mistaken in this their special
prayer, then complainants pray for all general relief
May the Commonwealth writ of Sp. issue directed to.

H. J. Morgan of M. Morgan for Plffs.

C 6.99 July
 S 5.50
 Dr. 5.00 + Paid
 100 50
 14 15.00

 \$ 32.99
 2.50

 7 35.49

 \$ 5.07

John C. Pennington ^(J.C.P.)
 vs. } Bill in Chy
 }
 Stephen Parsons & al.
 1887 July Bill filed & paid
 Exd & Decisi as to hearing
 lefts order sub as
 to non residents
 11 Aug. Decisi Confd
 Order sub. Confd
 + Cause set for hearing
 11 Aug. Term Decree final.

John B. Pennington & others Plffs.
vs.
Stephen Parsons & others. Defts. } In Reply

This cause came on this day to be finally heard, on the papers heretofore read in the cause, and the report of Special Comr. H. J. Morgan filed in the cause during the present term. Showing the execution of a deed of conveyance by said Comr. on the part of the Defendants to the Plffs. of the legal title to the tract of land in the bill mentioned, and was argued by counsel. And said report and deed being accepted. On consideration of all which It is adjudged ordered and decreed that said report and deed be confirmed, and the clerk of this will deliver to the clerk of the County Court said deed for recordation and the Plffs will pay said Comr. Morgan \$250 for the execution of said deed, and no further action being necessary in the cause. The parties are hence dismissed the cause stricken from the docket.

John C. Pennington & al

vs. $\frac{2}{3}$ Decm 10.2 final

Stephen Parsons & al

Entered page 59

C. O. Book 10.3.

J. H. Syatt & co.

Enter this

P. S. K. 10

Sept 1st 1887

John B. Pennington others Plffs
 vs.
 Stephen Parsons &c Defts } In Chy

This cause came on this day to be heard on the bill of the Plffs and exhibits therewith taken for confessed by all the defendants. And was argued by counsel. And it appearing to the court that the plaintiffs as heirs at law of Charles Pennington decd. are entitled to have conveyed to them by proper deed the legal title to the tract of land in the bill mentioned, It is therefore adjudged ordered and decreed, that said defendants be divested of the legal title to said land and ^{the title to} the same is hereby invested in Henry J. Morgan who is now appointed a commissioner for the purpose and is ordered to convey on the part of all the defendants to the children of Charles Pennington decd the legal title to the tract of land in the bill mentioned according to the metes and bounds as shown by exhibit (B) with the bill with covenants of special warranty, and subject to the claims therein of Dianah Pennington the widow and said court will refer his action to the court and the cause is continued until the coming in thereof.

John B. Pennington & Co

at { Dear No 1

Stephen Parsons & Co

Entered page 413 on
C.O. Book No 3.

J. A. Hyatt & Co

Enter this
14.2.11
Aug 30 1887.

Virginia

Lee County, to wit:-

Henry J. Morgan this day appeared before me and made oath that, Stephen Parsons Joseph Parsons, Jesse Bailey and Mary Bailey his wife, The unknown heirs at law of John Parsons dead, The unknown heirs at law of Harvey and Elizabeth Combs dead, The unknown heirs at law of Peter and Sarah Dutton dead, defendants in the Chancery Cause of John C. Drimington et al vs Drimmons, Drimington et al are now residents of the State of Virginia, Given under my hand this 1st July 1887.

J. A. Bryant C.

Object of suit is to obtain a legal title to the tract of Land in the Bill mentioned

John C. Pennington
as $\frac{2}{3}$ Affiant

Diana M. Pennington

Filed July 1st 1887

J. A. Hyatt

Virginia Lee Co to wit

This day Stephen Parsons personally appeared
Before me Wm P Page Justice of the peace
in and for Lee County ^{State} Virginia and
made oath to & obtain corner and a
tract of land once owned by the said
Stephen Parsons and he sold the same to Charles
Pennington and a white oak on a north
side on a plat it being a corner that the
said Stephen Parsons shewed to Edmund
Pennington ^{senior} and he ^{same} acknowledged to be one
of the true corners of the land that Charles
Pennington owned when he ~~deceased~~ deceased
and also north west corner to a white
oak ~~maple~~ ^{tree} and shugor in a Batterson
the west side of James Creek it being one
of the corners of the above stated tract
of land the said Stephen Parsons also states
that he the said Stephen Parsons bought of
the heirs of Samuel Parsons entire right
whitch he the said Stephen Parsons sold to
Charles Pennington and the said Stephen Parsons further
states that ^{he} had a deed to this tract of land acknowledged
By the heirs of Samuel Parsons entire and laid it in the
clerks office and paid for the Recording of deed But never
have seen deed nor money since he further states that he
gave his Bond for right to Charles Pennington for the
the tract of land

given under my hand this 23 day of -
August 1882 sworn before me

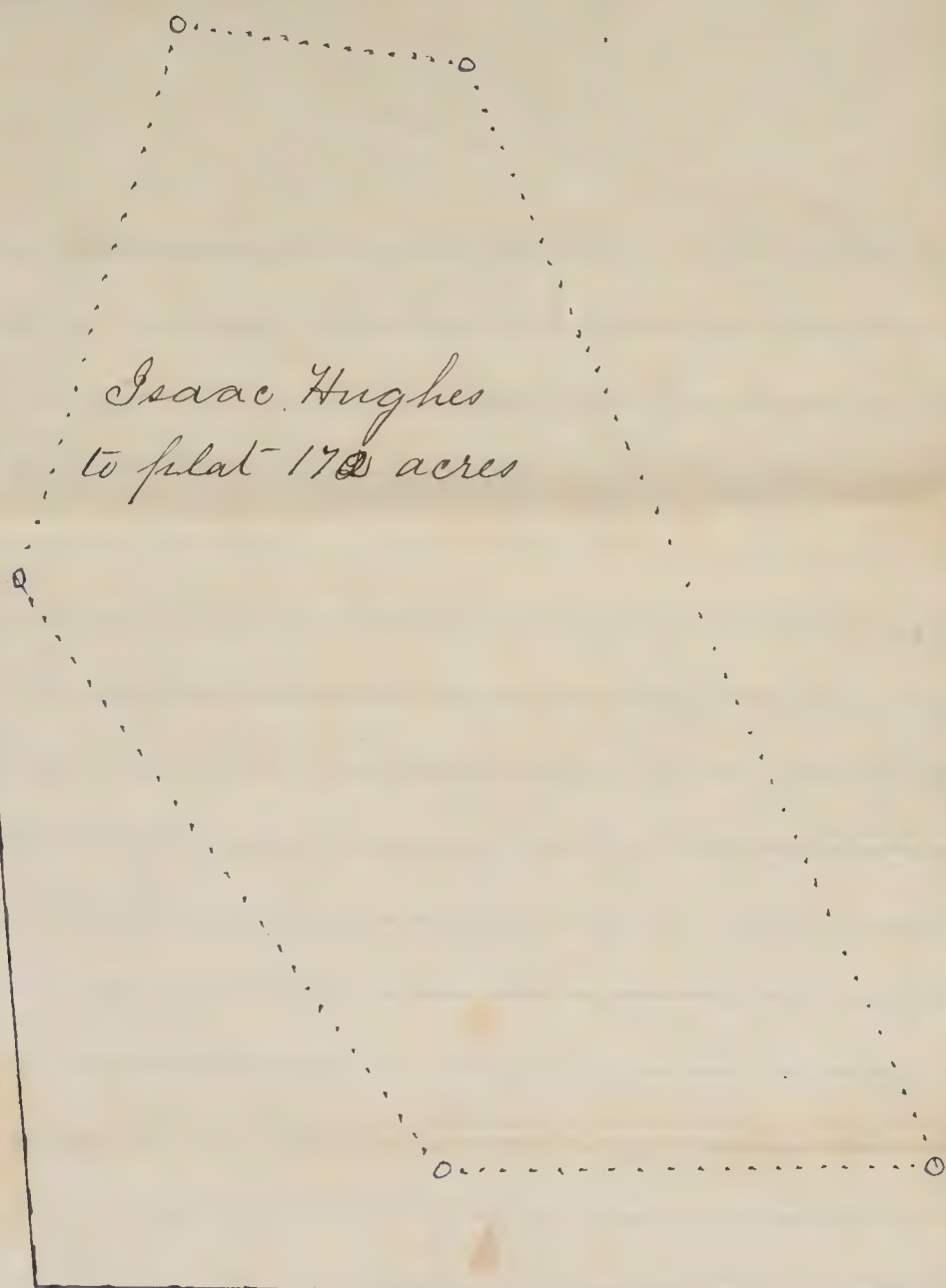
Wm P. Page Jp

Steph Parsons

Steph Parsons

affidavit

(E)



There is granted by the Commonwealth of Virginia
unto Isaac Hughes a tract or parcel of land bearing
date by plat and the 13 day of April 1818
and we the undersigned entered upon said land on
June the 3, 1887 with chain and Compass &c
after taking in proper consideration of the Compass knuckle
we began surveying we found the old corners of the said
survey which had bin identified by the former owners
and the said tract or parcel of land bounded as follows
to wit: beginning at a black and white oak on the east bank
of the meadow branch thence S 25° E 60 poles to a poplar &
Gum and white oak at ford of Jones creek thence N 85°
E 128 poles to a white oak thence N 18° E 156 poles to a white

oak thence N 35 W 108 poles to a white oak and
maple thence S 40 W 250 poles to the beginning
the above track of land has bin in peaceable possession
ever sence the year 1816

this. June the 4. 1887

H. P. Dixon. C. M.

John L. Pennington
William G. Robbins

Platt of Isaac Hughes

Survey

Isaac Hughes
to Plat

(P)

John L. Pennington & others Plffs.
 vs.
 Stephen Parsons & others Defs. } In Clay

To the Hon H.S.K. Merison Judge of the Circuit
 Court of Lee County Virginia

Pursuant to your decree entered in this case, on
 the 30th day of Augt 1887. I have made executed and
 acknowledged ^{for record} a deed with covenants of Special Warranty
 conveying to the Plffs as their heirs at law of John Pennington
 deed from the defendants as heirs at law of Samuel Parsons deed
 the tract of land in the bill mentioned, and said convey-
 -ance is made subject to the claims of Deborah Pennington
 thereon. And said deed is herewith filed & recorded (A.B.)

Respectfully Submitted

Henry J. Morgan Cant.

Augt 30 1887.

John C. Pennington vs

vs $\frac{3}{3}$ Cont. Report of decl.

Stephen Parsons & others

Filed in Supreme Court Sept 1877

Wm D. Hyatt cc

Isaac Hughs hath title to the within
granted Land

Wm. Pendleton. Sec. 21st

Thomas M. Randolph Esq^r Governor of the Commonwealth of Virginia:

To all to whom these presents shall come, Greeting: Know Ye, That in conformity with a Survey made on the ~~thirteenth~~ day of April 1818, by virtue of a Land Office Treasury warrant Number 5588 issued the 14th February 1816;

there is granted by the said Commonwealth, unto

Isaac Hughes

A certain Tract or Parcel of Land, containing One hundred and twenty Acre in the County of Lee on the North side of the Stone Mountain and bounded as follows to wit: Beginning at a white Oak and beech on the East bank of the Meadow branch a small distance above the mouth, running thence S. 25. E. 60 poles to a poplar gum and white Oak at the foot of Jones Creek, thence S. 18. E. 145 poles to a white Oak on the top of a ridge, thence S. 44. 132 poles to a white Oak in the hollow, thence S. 80. W. 70 poles to a dogwood and white Oak and thence S. 43. E. 125 poles to the Beginning.

To have and to hold the said Tract or Parcel of Land with its appurtenances, to the said Isaac Hughes and his heirs forever.

In Witness whereof, the said Thomas M. Randolph Esq^r Governor of the Commonwealth of Virginia, hath hereunto set his Hand, and caused the lesser Seal of the said Commonwealth to be affixed at Richmond, on the first day of July in the year of our Lord one thousand eight hundred and twenty and of the Commonwealth the forty fourth.

Edw. M. ...



Parc Hughes

100 acres

La

Book of the 1st page 202

(A)

This Indenture made this 28th day of October in the year of our Lord one thousand eight hundred and twenty eight between Isaac Hughes and Jane his wife of Lee county and State of Virginia. of the one part and Samuel Parsons of the State & county afore said of the other part, Witnesseth that the sd. Isaac Hughes and Jane his wife in consideration of one hundred dollars of lawful money of this Commonwealth to them in hand paid by the sd. Samuel Parsons at or before the sealing and delivery of this presents the receipt whereof is hereby acknowledged have bargained and sold and by these presents do an each of them doth bargain and sell unto the sd. Samuel Parsons his heirs and assigns a certain tract or parcel of land lying and being in the county of Lee and State of Virginia on the North side of the Stone Mountain containing one hundred acres and bounded as followeth to wit: Beginning at a white oak and beech on the East bank of the meadow branch a small distance above the mouth running thence S 25° E 60 poles to a poplar gum & white oak at the ford of Jones Creek thence N 85° E 120 poles to a white oak on the top of a ridge thence S 1° W 132 poles to a white oak in a hollow thence N 80° W 70 poles to a dogwood & white oak thence N 85° E 125 poles to the Beginning together with all and the reversion & reversions remaind & remainds yearly & other rents Issues & profits thereof and of

every part and parcel thereof to have & to hold the
said one hundred acres of land with the tenements
hereditaments and all and singular other the premi-
ces hereinbefore mentioned or intended to be bargained
and sold and every part & parcel thereof with every of
these rights members ^{and} appurtenances unto the sd. Samuel
Parsons his heirs & assigns forever to and for the proper
use and behoof of him the said Samuel Parsons
his heirs and assigns forever and the said Isaac
Hughes and Jane his wife for themselves and their
heirs the sd. one hundred acres of land with all
and singular the premises & appurtenances before
mentioned unto the sd. Samuel Parsons his heirs
& assigns free from the claim or claims of them the sd.
Isaac Hughes and Jane his wife or other of them or
either of their heirs and from no other persons shall
well and do warrant and forever defend by these
presents in witness whereof the sds. Isaac Hughes,
and Jane his wife have hereunto set their hands
& seals the day & year first above written

Isaac Hughes seal

Signed sealed & delivered in presents of.

Acopy Teste

John R. Gibson Clerk.

Samuel Parsons
from 3 Copy of Deed.

Isaac Hughes
Deed Book No 37

(6)

Fee for this copy 50¢.

Articles of agreement made and entered into this
21st day of March, 1853, between Stephen Darsons
Of the one part and Charles Pennington of the other
Part as follows in consideration of the sum of
Dollars To be paid as is hereafter mentioned
The said Darsons doth for himself his representa-
tives and assigns covenant promise and agree to and
With the said Pennington his representatives and
assigns by these presents that he the said
Darsons shall and will on or before the day of
Sept at the proper costs and charges of the said
Darsons and his representatives well and sufficiently
grant convey and deliver by good and sufficiently
Deed unto the said Pennington and his representatives
In fee simple clear of all incumbrance all that form
containing one hundred acres lying in the county of Lee
afforesaid on Joneses creek in consideration whereof the
said Pennington for himself and his representatives
Doth hereby covenant promise and agree to and with
the said Darsons or his representatives by these
presents that he the said Pennington and his represen-
tative shall and will well and truly pay or cause
to be paid unto the said Darsons or his representatives
the sum of \$700. dollars and for the true performance
of all and every the covenants and agreements aforesaid
each of the said parties to this instrument
binds himself and his representatives and assigns
unto the other his representatives and assigns
in the penal sum of \$1400 dollars in witness
whereof we have hereunto set our hands and

Ananias & Robbins

Attest

Joseph S. Kelly

Stephen Darsons Seal

Charles Pennington Seal

Stephen Parsons.

To { Little Band.

Charles Pennington

(D)

Virginia Lee County to wit

I do hereby Certify that James Parsons
personally appeared before me Wm P. Page
a Justice of the peace in and for Lee County
State of Virginia and made oath to two
certain corners to a tract or parcel of land now belonging to the
heirs of Charles Pennington Deceased the corners stands as follows
first standing on a North hillside one white ^{oak} thence a North
west course to a white oak maple and sugar tree in a bottom
on the west side of Joneses Creek and the said James Parsons
further states that these ~~are~~ corners have been called the true
corners to a survey made in the name of Seade Hughes the
said Parsons says he has known these ^{corner} for fifty five or sixty
years without dispute until recently this August the 29
1882

his
James Parsons
mark

given under my hand this 29 day of August
1882 sworn to before me on the 29 August

Wm P. Page JP

James Parsons
Certificate

(F)

Virginia Lee County to wit

I do certify that Levi Pennington personally
appeared before me ~~John P. Page~~ Justice of
the Peace in and for Lee County and State
of Virginia and made oath to the following
statements

Some several years ago Edward Pennington
showed me some trees marked like a corner
a white oak and maple perhaps a sugar tree
said to be Samuel Harrison's corner on the
West side of Jones Creek in a flat bottom
between Jones Creek & the foot of a hill I do certify
that the above statement is correct to my ^{the} belief
my belief this August the 29 1882
Levi Pennington

given under my hand this 29 day of
August 1882

John P. Page J.P.

Jeeri Pennington
Certificate

(4)

John C. Pennington. Green B. Pennington A. D. Robins
~~son~~ and. Pally Robins his wife, James A. Robins & Rebecca
Robins his wife. Jim Robins and Martha Robins his
wife, & Anderson Robins and Lucina Robbins his wife
heirs at law of Charles Pennington dead, Or. Disenah
Pennington. Stephen^{sr} Parsons. Joseph^{sr} Parsons. Jesse^{sr}
Bailey and Mary Bailey his wife The unknown heirs at
law of John^{sr} ~~_____~~ Parsons dead. The unknown heirs
at law. of Harvey & Elizabeth^{sr} Bonds^{dead}. The unknown heirs at law.
of Peter^{sr} and Sarah Dalton dead, Jasper N. Parsons. James S.
Parsons, F. M. Parsons. Wm. S. Parsons. John M. Parsons. David
D. Parsons. Josiah Parsons. A. J. Bailey and Mary A. Bailey
~~Mary A. Parsons.~~ Chas. A. Huffman^{sr}
~~Phillips~~ and Martha^{sr} ~~Huffman~~
James E. Trutt and Rebecca Trutt. Spm in Chy to July
Rules 9887.

The Commonwealth of Virginia,

To the Sheriff of LEE COUNTY--Greeting:

WE COMMAND YOU to summon Diannah Pennington, Stephen Parsons
Joseph Parsons, Jesse Bailey & Mary Bailey his wife, The unknown heirs at law of
John Parsons dead, The unknown heirs at law of Harvey & Elizabeth Goughs, The
unknown heirs at law of Peter & Sarah Dalton dead, Jasper T. Parsons, James S. Parsons
J. M. Parsons, W. S. Parsons, John W. Parsons, Samuel D. Parsons, Josiah Parsons, A. J. Bailey
& Mary A. Bailey his wife, Chas. A. Huffman & Martha Huffman his wife, James C. Tritt & Rebecca Tritt his wife

to appear at the Clerk's office of the Circuit Court of Lee County, at the Court House

on the first Monday in July next to answer a Bill in Chancery
exhibited in our said Court against them by John B. Pennington, Green B. Pennington, A. D.
Robbins & Sally Robbins his wife, James A. Robbins & Rebecca Robbins his wife, Zion Robbins
& Martha Robbins his wife, and Anderson Robbins & Laura Robbins his wife,
heirs at law of Charles Pennington deceased.

upon a plea of _____ Damage, \$ _____

And have then and there this Writ. Witness, J. A. G. HYATT, Clerk of our said

Court, at the Court House, this 1st day of July 1887 in

the 11 year of the Commonwealth.

J. A. G. Hyatt Clerk.

A. J. M.

The Commonwealth of Virginia
County of Lee

vs. Spain Chape

Diana H. Pennington et al

To July Rules 1887

Executed by delin-
tring copies to, J. N.
Parsons, John M. Parsons
L. M. Parsons, Samuel
A. Parsons, Josiah
Parsons, W. S. Parsons
A. J. Bailey & wife
Chas. A. Stuffleman & wife
James E. Smith & wife
and W. C. Smith

Pennington July 14th 1887

R. D. Flannery D. S.

Sheriff's Fee \$5.30

Jonesville Va Aug 22/87.
I J. J. Duff Editor & Publisher
of the Virginia Herald a weekly
newspaper, published in Jones-
ville, Lee County Virginia, do
certify that the annexed Chan-
cery order appeared four suc-
cession weeks in said paper
ending July 15th 1887.
J. J. Duff
Publisher The sum of \$5.00 is un-
paid,

Virginia: In the clerk's office of the
circuit court for Lee County July 1st
1887.
John C. Pennington Plt. }
VS. } In chancery.
Diannah Pennington Defts. }
The object of this suit is to obtain a le-
gal title to the tract of land in the Bill
mentioned; and it appearing from an affi-
davit filed in this cause that the defend-
ant Stephen Parsons, Joseph Parsons,
Jesse Bailey and Mary Bailey his wife,
the unknown heirs at law of John Par-
sons deed, the unknown heirs at law of
Harvey & Elizabeth Combs deed, the
unknown heirs at law of Peter and Sarah
Dalton deed, are non residents of the
State of Virginia; It is therefore ordered
that they appear here within one month
after due publication of this order and do
what may be necessary to protect their
interest in this suit.
A copy Teste,
J. A. G. Hyatt C. C.
H. J. Morgan, p. q.

John C. Pennington
V. S. ³⁹
Certificate
Dr. Amos Pennington

Order of Publication
in

The \$ 5⁰⁰
—
—

M. M. P. Q.